

Message Text

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TO AMEMBASSY MEXICO CITY PRIORITY

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E.O. 11652: N/A

TAGS: CASC, MX (BRIEN, CATHERINE ARMSTRONG)

SUBJECT: CONGRESSIONAL HEARINGS ON AMERICAN PRISONERS IN
MEXICO: FOLLOW-UP ACTION ON BRIEN CASE.

REF: STATE 194237 AND 197924

1. DEPARTMENT FOUND THAT BRIEN'S ALLEGATIONS OF (A) EXTORTION BY LAWYER AND (B) DENIAL OF CONSULAR ACCESS APPEAR TO HAVE SOME VALIDITY AND WARRANT REMEDIAL ACTION PER REFTEL STATE 194237.

2. EXTORTION BY LAWYER: BRIEN'S INITIAL ATTORNEY, ALFRED BENEVENDO CIFUENTES, IS ALLEGED TO HAVE RECEIVED 4,000 DOLLARS OR 4500 DOLLARS ON HER BEHALF THROUGH BRIEN'S AMERICAN ATTORNEY MARTIN S. SAXON, FOR WHICH SHE STATES SHE HAS BEEN UNABLE TO OBTAIN RECEIPTS. EMBASSY IS REQUESTED TO DETERMINE BRIEN'S DESIRE IN THE MATTER OF PRESSING HER COMPLAINTS.

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3. EMBASSY IS ALSO REQUESTED TO PROVIDE GENERAL COMMENTS ON ACTUAL PROCEDURES WHICH MAY BE FOLLOWED IN SUCH CASES, AS WELL AS SUGGESTIONS FOR PROPOSED LANGUAGE FOR A GUIDANCE LETTER WHICH CAN EVENTUALLY GO OUT TO PRISONERS ADVISING HOW TO PRESS CHARGES AGAINST EXTORTIONIST ATTORNEYS, PER DEPARTMENT REQUEST IN REFTEL STATE 197924.

4. DENIAL OF CONSULAR ACCESS: BRIEN SEEMS TO HAVE BEEN INITIALLY DENIED CONSULAR ACCESS UNTIL TWO WEEKS AFTER ARREST. REMEDY OF THIS PARTICULAR INCIDENT NO LONGER SEEMS FEASIBLE, BUT ASSUMPTION IS THAT EMBASSY WILL CONTINUE TO DEAL WITH GOM TO ATTEMPT RESOLUTION OF THE GENERAL PROBLEM. IN ADDITION, IN FUTURE CASES, DIRECT REMEDIAL ACTION IS RECOMMENDED THROUGH CONOFF ON LEVEL OF MEXICAN AUTHORITIES IMMEDIATELY INVOLVED. INGERSOLL

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